

May 21, 2004

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 Twelfth Street, S.W.  
Washington, D.C. 20554

Dear Ms. Dortch :

Re: Amendment of Part 2 of the Commission's Rules to Allocate Spectrum Below  
3 GHz for Mobile and Fixed Services to Support the Introduction of New  
Advanced Wireless Services, Including Third Generation Wireless Systems  
ET Docket No. 00-258

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Dear Ms. Dortch:

On May 20, 2004 the undersigned representing DCT Los Angeles, L.L.C. met with Commissioner Kathleen Abernathy and her Senior Counsel Jennifer Manner, to discuss the issues involved in proposals to relocate MDS Channel 2 to alternative spectrum. The attachment to this letter was provided to the WTB meeting participants. The meeting was largely devoted to discussing the concerns listed on the attachment to this letter, including bandwidth, power, future uses of the spectrum and transition. Tom Dougherty of of Gardner Carton & Douglas LLP accompanied the undersigned.

Very truly yours,

/James H. Wiesenberg/

James H. Wiesenberg  
Member & COO  
DCT Los Angeles LLC

c.c. Kathleen Abernathy  
Jennifer Manner  
Tom Dougherty

### DCT LOS ANGELES, LLC

- an independent small business; women controlled
- operates 2 MDS stations on MDS channel 2 in the Los Angeles market
- purchased the stations for cash in 1991 and 1993
- used the stations to provide end to end transmission service of regional cable news for 10 years to as many as 1.3 million subscribers
- Have spent in excess of \$500,000 on stations and licenses
- Independent business; an operator not a spectrum lessee

### COMMENTS TO DATE IN ET DOCKET 00-258

2/22/01 – Request FCC permit MDS to provide fixed and mobile advanced wireless services. Recommend FCC keep MDS ½ at 2150-2162 MHz

11/08/01 – Suggest FCC consider part of 1910-1930 MHz or 1990-2025 MHz as new band for MDS 2 or not move it. Request MDS ½ receive flexible use rules.

8/8/02 – Note NTIA report indicated less PTP relocations at 2125-2170 than 2110-2155 MHz. Support MDS Operators proposal July '02 to move MDS 2 to 1913-1916/1993-1996 MHz.

4/11/03- Comment on 3<sup>rd</sup> NPRM that MDS ½ relocation to 1910-1916/1990-1996 MHz should be on exclusive use basis so that FDD-based flexible and fixed use options can be supported.

### CONCERNS

As stated in prior comments:

- Resolve relocation issues properly to remove cloud on ability to do business
- Comparable spectrum includes staying within or near the 2150-2162 MHz band
- Allow flexible use to compete and evolve in the marketplace
- Spectral home at which manufacturers are willing to build equipment